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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,060	01/25/2006	Horst Hintze-Bruening	PAT-01148/BC1-0211	1997
26/922 7590 04/21/2010 BASF CORPORATION Patent Department 1609 BIDDLE AVENUE MAIN BUILDING WYANDOTTE, MI 48192				
EXAMINER ABRAHAM, AM/AD A				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 04/21/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/595,060	Applicant(s) HINTZE-BRUENING ET AL.
Examiner AMJAD ABRAHAM	Art Unit 1791

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 April 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: Applicant has amended claim 1 to state that the protective sheet need only comprise a layer selected from a group of polymers. However, the claims still state that the claimed properties are specific to the entire protective sheet. It is unclear if the core layer has the properties or does some other layer have the properties. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT meet the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Philip C Tucker/
Supervisory Patent Examiner, Art Unit 1791

/AMJAD ABRAHAM/
Examiner, Art Unit 1791

Continuation of 11. does NOT place the application in condition for allowance because: (1) Applicant argues that their specification provides adequate support to enable one having the ordinary skill in the art to make and use the inventive protective sheet as seen in claim 1. For support, Applicant has pointed to their disclosure of a trademark (GH-X527), a properties table describing properties of GH-X 527, a disclosure stating that the protective sheet can be made of PE, PP, ethylene copolymers, propylene copolymers, and ethylene-propylene copolymers as adequate description. As discussed in the previous office actions, a trademark does not adequately describe to one having the ordinary skill in the art the ingredients of the sheet as a trademark only identifies the source of a product. So essentially, applicant has described their inventive support sheet as a sheet made by Bischof+Klein, with specific properties, which can be from a wide variety of ethylene/polypropylene polymer combinations. To remedy this issue, applicant has amended their specification to state that the protective sheet (GH-X 527) is made from Polypropylene. Applicant states that this is inherent from the disclosures of US 2009/0011189 (paragraph 0208) and US 2009/0061215 (paragraph 0271). Examiner would like to point out that both of those documents point to DE 103 35 620 as providing support for the proposition that GH-X 527 is a polypropylene film. As DE 103 35 620 is the foreign priority of this instant case, Examiner would consider this specification amendment provided that applicant provides a certified translation showing the disclosure that GH-X 527 is indeed polypropylene. (2) Applicant argues that the combination of Koniger and APA with Schoepel simply does not teach the present invention because the specified material and process are not taught to be used together to form a high gloss material. First, Examiner would like to point out that that the 102 or 103 standards of rejection do not require a showing of the inventive byproduct unless specifically claimed (in this case a polymer molding which is high gloss without defects and capable of meeting the stringent requirements for automobile moldings). All that needs to be shown is the claimed process steps. Although applicant may think that a specific byproduct is claimed (a highly functional surface that has a high gloss) all that is required by the claims is a surface that can IMPART color. Second the combination of Koniger, APA, and Schoepel do teach the inventive process. Koniger and APA (which is applicant's own interpretation of the prior art (specifically Koniger) discloses a process in which a MTB (Molding-Thermoplastic support sheet- Pigment/curable composition) is produced in which a protective sheet can be added to delay unintentional curing. It is this protective sheet that applicant states needs to be better designed and that better design is the GH-X 527 protective sheet. Examiner has applied Schoepel as an example of the use of a GH-X series film which can prevent scratches and contamination to an molding. As suitable protective sheets are made from propylene/ethylene polymers, it would have been obvious for one having the ordinary skill in the art to look at a wide range of acceptable protective films which would protect a layered molding. It does not matter if the protective film in Schoepel is used to cover an identical polymer molding that is claimed, it matters only that one having the ordinary skill in the art would look to GH-X series films to protect a molding. In this case, the protective sheet in Schoepel and the claimed invention both solve the same problem of protecting a formed sheet during any subsequent event be it curing or damage. Applicant (see remarks page 17 1st full paragraph) states that Koniger at best would lead one to investigate polyethylene type films. Schoepel's disclosure would clearly be in that scope as GH-X series films where known as protective films. Additionally, with respect to claims 9-11 and 22-25 applicant argues that Otaki is non-analogous art. However, Otaki teaches that in storing a multi layer film a protective sheet of multiple layers can be used to protect the sheet. This is the same objective seen in Koniger, APA, and Schoepel. One having the ordinary skill in the art would have sought to find a sheet that can easily be removed. The adhesive/antiblocking layers would facilitate this removal.